

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
S/S Eustice Road 625 ft. W
of c/l of Mandoza Road
9725 Eustice Road
2nd Election District
2nd Councilmanic District
Albert D. Miller, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-101-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Albert D. Miller and Mary V. Miller his wife, for that property known as 9725 Eustice Road, in the Kingspoint subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1B02.3.B and 301.1A of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 0 ft., and a sum of side yard setbacks of 10-1/2 ft., in lieu of the minimum required 11-1/4 ft. and 21-1/4 ft., respectively, in a D.R.3.5 zone, for a carport. The subject property and requested relief is more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

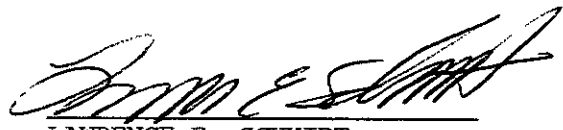
ORIGINAL FILED IN 99-101-A
10/9/99
M. D. Miller

BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of October, 1998 that the Petition for a Zoning Variance from Sections 1B02.3.B and 301.1A of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 0 ft. and a sum of side yard setbacks of 10-1/2 ft., in lieu of the minimum required 11-1/4 ft. and 21-1/4 ft., respectively, in a D.R.3.5 zone, for a carport, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmm

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 8, 1998

Mr. and Mrs. Albert D. Miller
9725 Eustice Road
Randallstown, Maryland 21133

RE: Petition for Administrative Variance
Case No. 99-101-A
Property: 9725 Eustice Road

Dear Mr. and Mrs. Miller:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9725 EUSTICE RD

which is presently zoned DR 3.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.B (208.3, 1955), 301.109

To allow a side yard setback of ~~10 1/2~~ and a sum of side yard setbacks of 10 1/2 ft. in lieu of the minimum required 11 1/4 ft. and 21 1/4 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Protect car & house

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

ALBERT D. & Mary V. Miller
(Type or Print Name)

Albert D. Miller
Signature

MARY V. Miller
(Type or Print Name)

Mary V. Miller
Signature

9725 EUSTICE RD 410-922-5967
Address Phone No

RANDALL TOWN MD 21133
City State Zipcode

Name Address and phone number of representative to be contacted

LEE BARTNIK
Name

18134 Gunpowder
Address

888 449 4431
Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: *JH*

DATE: *9-8-98*

ESTIMATED POSTING DATE: *9/20*



Printed with Soybean Ink
on Recycled Paper

ITEM #: *101*

99-101-A

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9725 EUSTICE RD
address
RANDALLSTOWN MD 21133
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Need A CAR PORT TO PROTECT
Vehicle + House.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Albert D. Miller
(signature)
ALBERT D. MILLER
(type or print name)



Mary V. Miller
(signature)
MARY V. MILLER
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3 day of September, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Albert D. Miller - Mary V. Miller

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/3/98
date

Mary A. Smith
NOTARY PUBLIC
My Commission Expires: COMMISSION EXPIRES 8-09-00

A-101-PP

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9725 EUSTICE RD
address
RANDALLSTOWN MD 21133
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Need A CAR PORT TO PROTECT
Vehicle & House

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Albert D. Miller
(signature)
ALBERT D. Miller
(type or print name)



Mary V. Miller
(signature)
MARY V. Miller
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3 day of September, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Albert D. Miller - Mary V. Miller

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/3/98
date

Mary A. [Signature]
NOTARY PUBLIC
My Commission Expires:

MARY A. BOGORA
NOTARY PUBLIC
COMMISSION EXPIRES
2-01-00

A-101-PP



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9725 EUSTICE RD

which is presently zoned RA 3.5

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.B (208.3, 1955) 301.1.A

To allow a side yard, setback of 0 ft (As on attached carport) and a sum of side yard setbacks of 10 1/2 ft in lieu of the minimum required 11 1/4 ft and 21 1/4 ft respectively of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Protect Car & Access

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JD

DATE: 9-8-98

ESTIMATED POSTING DATE: 9/20



Printed with Soybean Ink
on Recycled Paper

ITEM #: 101

99-101-A

zoning Description
For 9725 EUSTICE RD

BEGINNING AT A POINT ON THE SOUTH SIDE
OF EUSTICE RD WHICH IS 50 FEET WIDE
AT A DISTANCE OF 625 FEET WEST OF THE
CENTERLINE OF THE NEAREST INTERSECTING
STREET MANDORA WHICH IS 50 FEET WIDE
BEING LOT # 13 BLOCK P IN THE SUBDIVISION
OF KINGSPONT AS RECORDED IN BALTIMORE
COUNTY PLAT BOOK O.T.C. 35 FOLIO 125
CONTAINING 13321 SQ FT.

ALSO KNOWN AS 9725 EUSTICE RD
LOCATED IN THE 2ND ELECTION DISTRICT
2ND CONGRESSIONAL DISTRICT

101

99-101-A

BALTIMORE COUNTY, MAR. AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item No. ¹⁰¹ 054703

DATE 9-8-98 ACCOUNT R-001-6150

AMOUNT \$ 50.⁰⁰

RECEIVED FROM: ~~THE~~ Viet Vet, Inc.

FOR: Residential Variances filing fee
9725 Eustice Rd (21133)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CK# 2261

PAID RECEIPT

PROCESS	ACTUAL	TIME
9/8/1998	9/08/1998	00:42:47
REG 1832	CASHIER JRIC JMR	DRAWN
5 MISCELLANEOUS CASH RECEIPT		
Receipt #	062063	FILE
CR NO.	054703	

50.00 CHECK

Baltimore County, Maryland

99-101-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 99-101-A

Petitioner/Developer: _____

ALBERT D. MILLER

Date of Hearing/Closing: 10-5-98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

#9725 EUSTICE ROAD

The sign(s) were posted on SEPTEMBER 19, 1998
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

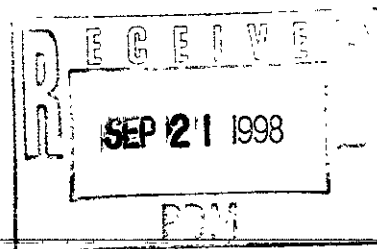
(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 99- 101 -A Address 9725 Eustice Rd.Contact Person: J. Sullivan Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 9-8-98 Posting Date: 9-20-98 Closing Date: 10-5-98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 99- 101 -A Address 9725 Eustice Rd.Petitioner's Name Albert D. Miller Telephone (410) 922-5967Posting Date: 9-20-98 Closing Date: 10-5-98Wording for Sign: To Permit a side yard setback of 0 ft (for an attached
carport) and a sum of side yard setbacks of 10 1/2 ft in lieu
of the minimum 11 1/4 ft and 21 1/4 ft. respectively.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-101-A
Petitioner: Albert D. Miller
Address or Location: 9725 Eustice Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: VIET-VET, INC
Address: 18134 Gunpowder Rd
Hampstead MD 21074
Telephone Number: 888-449-4431



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 6, 1998

Mr. & Mrs. Albert D. Miller
9725 Eustice Road
Randallstown, MD 21133

RE: Item No.: 101
Case No.: 99-101-A
Location: 9725 Eustice Road

Dear Mr. & Mrs. Miller:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on September 8, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

Date: 9.22.98

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 101


JJS

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: September 22, 1998

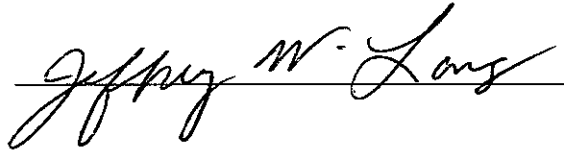
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comment on the following petition (s):
Item No (s) 101, 108, 109, and 110

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

A handwritten signature in cursive script, reading "Jeffrey W. Long", is written over a horizontal line.

AFK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley. *ARS/gp*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: 9/21/98

DATE: 9/23/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

<u>101</u>	110
102	111
103	112
107	
109	

RBS:sp

BRUCE2/DEPRM/TXTS8P

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9795 EUSTICE RD

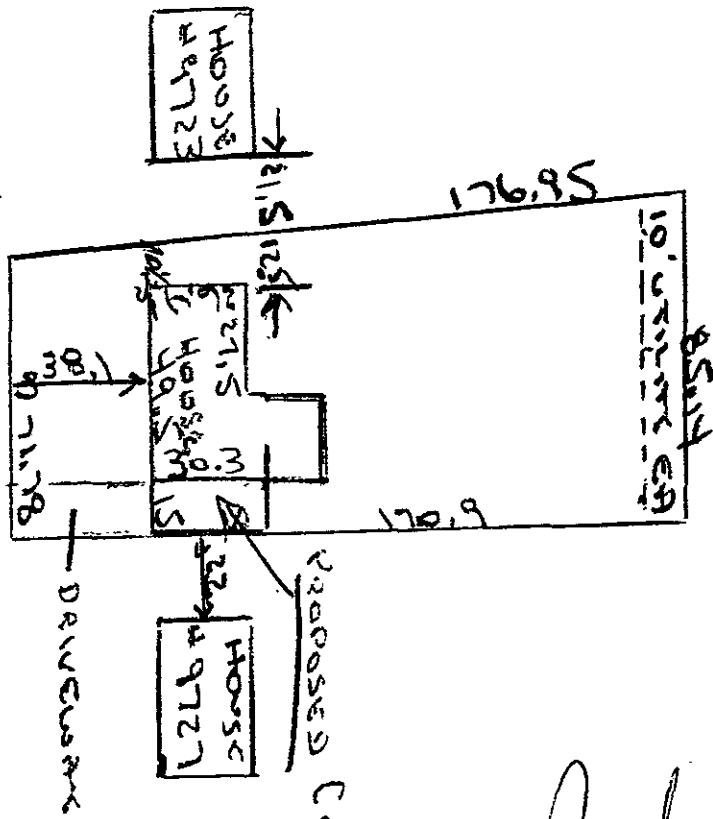
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: KINGS POINT

Plat book # 35, folio # 125, lot # 13, section # 11

OWNER: ALBERT D + Mary V. Miller

Ref No 1



← 62.5' to E of Mendota Rd EUSTICE ROAD (50' also 29.92' wide)

North
date: _____
prepared by: _____

Scale of Drawing: 1" = 50'

LOCATION INFORMATION

Election District: 02

Councilmanic District: 02

1"=200' scale map #: NW, 2-K

Zoning: 023.5

Lot size: 0.322 / 13494 square feet

Public private
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____

[Signature] 101

99-101-A

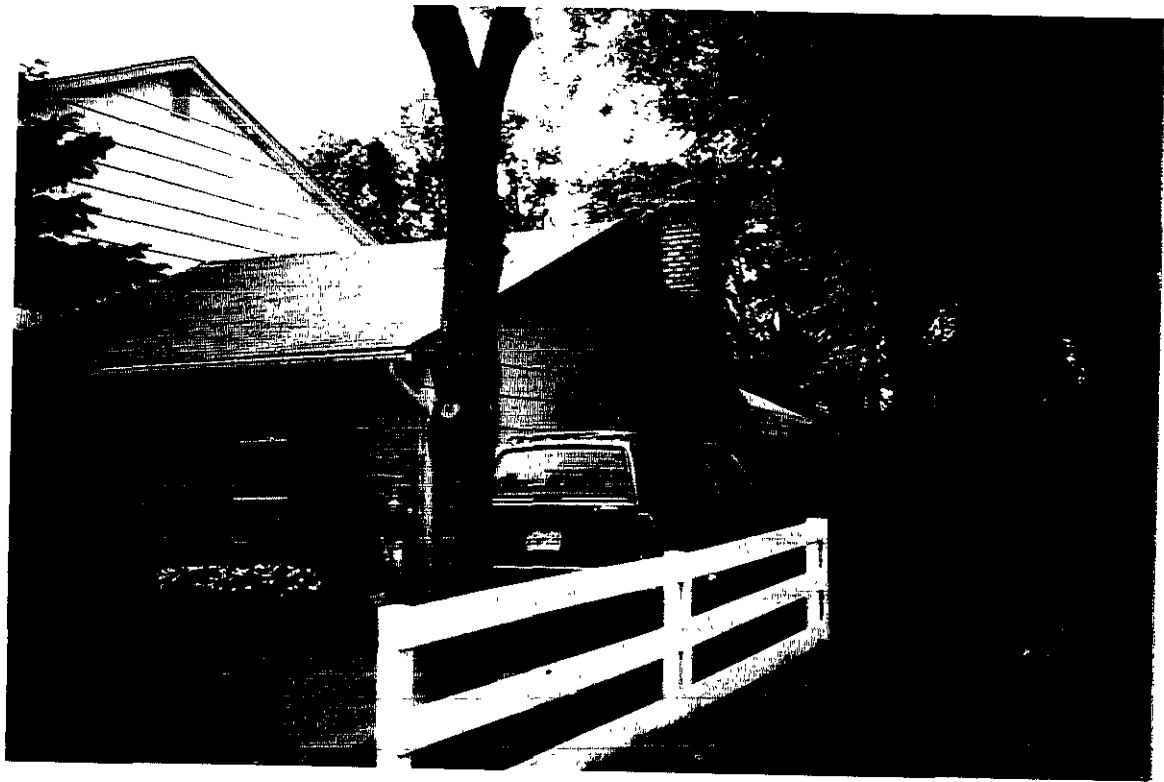
2017
Survivor

2017
Photos

Case # 29-1014
MA minor
AZS evidence Road











PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25801

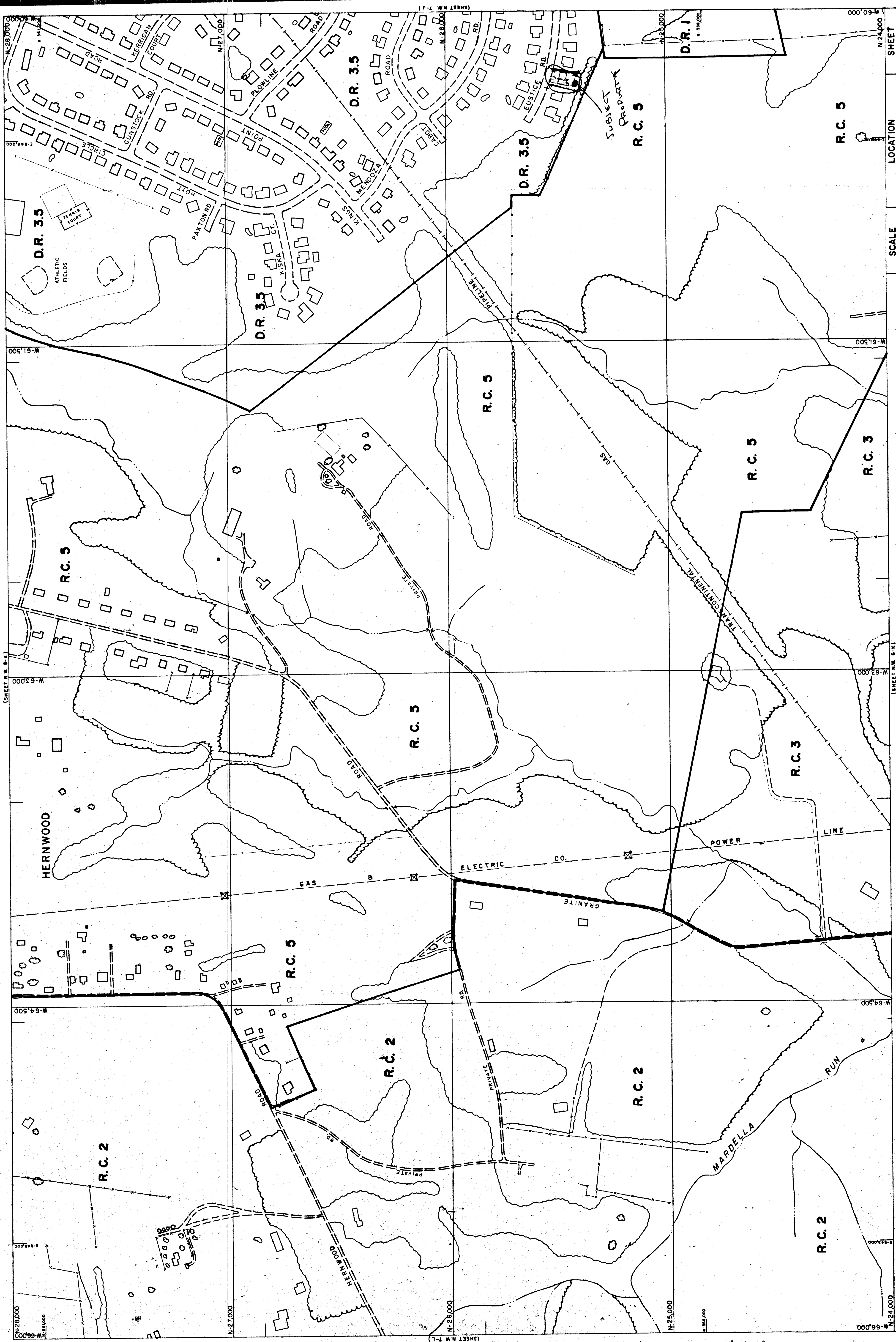
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	HERNWOOD	7-K
DATE		
PHOTOGRAPHY		
JANUARY		
1986		
99-101-A		

912505738

101

101



PP & SE	1996 COMPREHENSIVE ZONING MAP ADOPTED BY THE BALTIMORE COUNTY COUNCIL OCTOBER 8, 1996 Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96		SCALE 1" = 200' ± DATE OF PHOTOGRAPHY JANUARY 1966	LOCATION HERNWOOD	SHEET N.W. 7-K
	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP				

Kevin Kameney
Chairman, County Council

99-101-A